

FORM PTO-7390  
(REV 12-2001)

ATTORNEY DOCKET NUMBER

4439-4024

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

U.S. APPLICATION NO. (If known, see 37 CFR 1.51)

TBA

10/507446

INTERNATIONAL APPLICATION  
PCT/JP03/02946INTERNATIONAL FILING DATE  
12 March 2003 (12.03.03)PRIORITY DATE CLAIMED  
15 March 2002 (15.03.02)

## TITLE OF INVENTION

GENE PARTICIPATING IN ACETIC ACID TOLERANCE, ACETIC ACID BACTERIA BRED USING THE GENE,  
AND PROCESS FOR PRODUCING VINEGAR WITH THE USE OF THE ACETIC ACID BACTERIA

## APPLICANT(S) FOR DO/EO/US

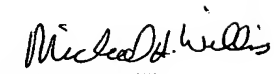
Hidetsugu GOTO and Shigeru NAKANO

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)).
4. ☒ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English translation of the International application as filed (35 U.S.C. 371(c)(2)).
  - a. ☒ is attached hereto ( )
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

## Items 11. to 20. below concern document(s) or information included.

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98, Form PTO-1449, with a copy of all cited references.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☒ English Translation of Specification (32 pgs.), Claims (3 pgs.), Abstract (1 pg.), Figs 1-12 (6 sheets)
16. ☒ Translation of Deposit of MICROORGANISMS:
  1. FERM BP-7932;
  2. FERM BP-8304.
17. ☒ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825, with paper copy of sequence listing: 8 pgs., and Statement Under 37 C.F.R. § 1.821(f) or § 1.822(b).
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or Information:  
Copies of: PCT Request document; Forms: PCT/RO/105; PCT/ISA/202; PCT/ISA/210; PCT/ISA/220; PCT/IB/301; PCT/IB/304; PCT/IB/308; PCT/IB/332; PCT/IPEA/401; PCT/IPEA/402; PCT/IPEA/409; PCT/IPEA/416 and published PCT application Publication Number WO 03/078635 (published September 25, 2003).

U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.51)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NO.	
TBA <b>10/507446</b>		PCT/JP03/02946		4439-4024	
21. <input checked="" type="checkbox"/> The following fees are submitted: <b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5) ):</b> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2) paid to USPTO and International Search Report not prepared by the EPO or JPO.....\$1,080.00  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO...\$920.00  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2) paid to USPTO.....\$770.00  International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33 (1) - (4).....\$730.00  International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1) - (4).....\$100.00  <b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>				<b>CALCULATIONS</b> PTO USE ONLY	
				\$920	
Surcharge of \$130 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$----	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	15- 20 =	0	x \$86.00	\$----	
Independent claims	4 - 3 =	0	x \$86.00	\$--86	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+\$290.00	\$290	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$1,296	
Reduction of 1/2 for filing by small entity, if applicable. A Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).				\$	
<b>SUBTOTAL =</b>				\$1,296	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$----	
<b>TOTAL NATIONAL FEE =</b>				\$1,296	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$----	
<b>TOTAL FEES ENCLOSED</b>				\$1,296	
				Amount to be refunded:	\$
				charged	\$
a. <input checked="" type="checkbox"/> A check in the amount of \$1,336 to cover the filing and assignment recordal fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No.      in the amount of \$      to cover the above fees. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 13-4500 (order no. 4439-4024). A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status. SEND ALL CORRESPONDENCE TO:					
Enter Address Here Morgan & Finnegan, LLP <b>Morgan &amp; Finnegan, L.L.P.</b> <b>3 World Financial Center</b> <b>New York, New York 10281-2101</b> <b>Tel: (212) 415-8700</b> <b>Fax: (212) 415-8701</b>			SIGNATURE  <u>Kenneth H. Sonnenfeld / Michael A. Willis</u>  Registration Nos: 33,285 / 53,913		

10/507446

DT09 R PCT/PTO 13 SEP 2004

Docket No. 4439-4024

IN THE UNITED STATES

☐ RECEIVING OFFICE (RO/US)  
☒ DESIGNATED OFFICE (DO/US)  
☒ ELECTED OFFICE (EO/US)

INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED
PCT/JP03/02946	12 March 2003 (12.03.03)	15 March 2002 (15.03.02)

TITLE OF INVENTION

GENE PARTICIPATING IN ACETIC ACID TOLERANCE, ACETIC ACID BACTERIA BRED USING THE GENE, AND PROCESS FOR PRODUCING VINEGAR WITH THE USE OF THE ACETIC ACID BACTERIA

APPLICANT(S)

Hidetsugu GOTO and Shigeru NAKANO

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**VERIFIED CERTIFICATION OF EXPRESS MAILING DATE  
(INTERNATIONAL APPLICATION (37 CFR 1.10(c)))**

I declare that on **September 13, 2004** I deposited with the United States Postal Service in an envelope "Express Mail, Post Office to Addressee", bearing Label Number **EV 498826995 US**, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 and having an express mail certification which I executed, the following papers:

1. Transmittal Letter To The United States Designated/Elected Office (DO/EO/US) Concerning A Filing Under 35 U.S.C. 371;
2. An Oath or Declaration and Executed Assignment of the inventor(s) (35 U.S.C. 371(c)(4));
3. A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825, with paper copy of sequence listing: 7 pgs., and Statement Under 37 C.F.R. § 1.821(f) or § 1.822(b);
4. English Translation of Specification (32 pgs.), Claims (3 pgs.), Abstract (1 pg.), Figs 1-12 (6 sheets);
5. published PCT application Publication Number WO 03/078635 (published September 25, 2003);
6. Translation of Deposit of MICROORGANISMS: 1. FERM BP-7932; 2. FERM BP-8304.
7. Copies of: PCT Request document; Forms: PCT/RO/105; PCT/ISA/202; PCT/ISA/210; PCT/ISA/220; PCT/IB/301; PCT/IB/304, PCT/IB/308; PCT/IB/332; PCT/IPEA/401; PCT/IPEA/402; PCT/IPEA/409; PCT/IPEA/416;
8. An Information Disclosure Statement under 37 CFR 1.97 and 1.98, Form PTO-1449, with a copy of all cited references;
9. check for \$1,336;
10. Return receipt postcard.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

Michael Willis

(Typed or printed name of person making this verified statement)



(Signature of person making this verified statement)

September 13, 2004

Date

(Verified Certification of Express Mailing Date (International Application) [13-12])